

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KILLRAINE DEAN,

Plaintiff,

-against-

15-cv-8825 (LAK)

POLICE OFFICER KATHLEEN MYERS, et ano.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The objections of defendant Sherif Baksh to the report and recommendation of Magistrate Judge Kevin Nathaniel Fox [DI 96] are overruled. Defendant Baksh's motion for summary judgment dismissing the complaint as to him [DI 79] is denied in all respects, substantially for the reasons set forth in the report and recommendation. The complaint is deemed amended to rest plaintiff's claims under the Fifth and Sixth Amendments to the Constitution, which do not apply directly to state actors, on the Fourteenth Amendment, which does so apply.

SO ORDERED.

Dated: May 22, 2018



Lewis A. Kaplan
United States District Judge